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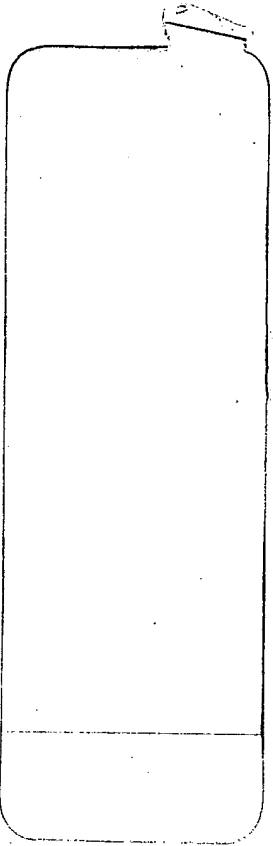
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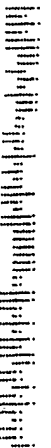


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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 12/28/2005  
DENNIS KOVACH, THERMAGE, INC.  
4058 POINT EDEN WAY  
HAYWARD, CA 94545



EXAMINER

VRETTAKOS, PETER J

ART UNIT PAPER NUMBER

3739

DATE MAILED: 12/28/2005

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/072,610      | 02/06/2002  | Roger A. Stern       | 39238-0747          | 2778             |

TITLE OF INVENTION: HANDPIECE FOR TREATMENT OF TISSUE

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | YES          | \$700     | \$300           | \$1000           | 03/28/2006 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
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Alexandria, Virginia 22313-1450  
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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12/28/2005

DENNIS KOVACH, THERMAGE, INC.  
4058 POINT EDEN WAY  
HAYWARD, CA 94545



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

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|--------------------|
| (Depositor's name) |
| (Signature)        |
| (Date)             |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/072,610      | 02/06/2002  | Roger A. Stern       | 39238-0747          | 2778             |

TITLE OF INVENTION: HANDPIECE FOR TREATMENT OF TISSUE

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|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | YES          | \$700     | \$300           | \$1000           | 03/28/2006 |

| EXAMINER           | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| VRETTAKOS, PETER J | 3739     | 606-041000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

|   |       |
|---|-------|
| 1 | _____ |
| 2 | _____ |
| 3 | _____ |

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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7590 12/28/2005

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EXAMINER

VRETTAKOS, PETER J

ART UNIT

PAPER NUMBER

3739

DATE MAILED: 12/28/2005

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 433 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 433 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**Notice of Allowability**

Application No.

10/072,610

Examiner

Peter J. Vrettakos

Applicant(s)

STERN ET AL.

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment 9-12-05.
2. ☒ The allowed claim(s) is/are 1-13, 15-19, 21-38, 40-48 and 112-122.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date see attached
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**Continuation Sheet (PTOL-37)**

**Application No.**

IDS dates: 12-3-03,  
3-17-04,  
7-29-04,  
3-25-04,  
11-5-04,  
12-20-04,  
7-16-04,  
11-10-04,  
9-19-05

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bill Allen on 12-22-05.

The application has been amended as follows: **ALL OF THE CLAIMS IN THEIR CURRENT STATUS ARE LISTED BELOW.**

1. (Previously Presented) A handpiece for non-invasively treating tissue using RF energy, comprising:

a handpiece assembly including a handpiece housing; and  
an electrode assembly coupled to the handpiece housing, the electrode assembly including a least one RF electrode with a dielectric portion configured to contact the tissue and a conductive portion disposed on the dielectric portion, the conductive portion further comprising a portion of a flex circuit, the RF electrode adapted to deliver RF energy to the tissue, and the dielectric portion and the conductive portion being arranged such that the RF energy is capacitively coupled from the conductive portion for delivery into the tissue by transmission through the dielectric portion.

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2. (Previously Presented) The handpiece of claim 113, further comprising:

a fluid delivery member coupled to the valve member, wherein the fluid delivery member is configured to provide an atomizing delivery of the cooling fluidic medium to the RF electrode.

3. (Original) The handpiece of claim 2, wherein the fluid delivery member is positioned in the handpiece housing.

4. (Original) The handpiece of claim 2, wherein the fluid delivery member is positioned in the electrode assembly.

5. (Original) The handpiece of claim 2, wherein the fluid delivery member includes a nozzle.

6. (Previously Presented) The handpiece of claim 2, wherein the fluid delivery member is configured to deliver a controllable amount of the cooling fluidic medium to the RF electrode.

7. (Original) The handpiece of claim 2, wherein the fluid delivery member is configured to controllably deliver the cooling fluidic medium to a back surface of the RF electrode.

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8. (Currently Amended) The handpiece of claim 2, wherein the fluid delivery member is configured to controllably deliver the cooling fluidic medium to a ~~backside~~ back surface of the RF electrode to evaporatively cool the RF electrode and conductively cool a skin surface in contact with the front ~~[[side]]~~ surface of the RF electrode.

9. (Previously Presented) The handpiece of claim 2, wherein the fluid delivery member is configured to controllably deliver the cooling fluidic medium to a back surface of the RF electrode at substantially any orientation of the front surface of the RF electrode relative to a direction of gravity.

10. (Currently Amended) The handpiece of claim ~~[[1]]~~ 113, wherein the electrode assembly is sufficiently sealed to minimize flow of the cooling fluidic medium from a back surface of the RF electrode to a skin surface in contact with a front surface of the RF electrode.

11. (Original) The handpiece of claim 1, wherein the electrode assembly includes a vent.

12. (Previously Presented) The handpiece of claim 113, wherein the valve member is configured to provide a pulsed delivery of the cooling fluidic medium.

13. (Previously Presented) The handpiece of claim 113, wherein the valve member includes a solenoid valve.

14. (Cancelled)

15. (Previously Presented) The handpiece of claim 1, wherein the conductive portion includes metal.

16. (Previously Presented) The handpiece of claim 1, wherein the conductive portion includes copper.

17. (Currently Amended) The handpiece of claim 1, wherein the dielectric portion includes polyimide.

18. (Previously Presented) The handpiece of claim 1, wherein the RF electrode includes a copper polyimide composite material.

19. (Original) The handpiece of claim 1, further comprising:  
leads coupled to the RF electrode.

20. (Cancelled)

21. (Currently Amended) The handpiece of claim [[20]] 1, wherein the flex circuit is configured to isolate flow of a cooling fluidic medium from a back surface of the RF electrode to a front surface of the RF electrode.

22. (Currently Amended) The handpiece of claim [[20]] 1, wherein the flex circuit is configured to create a reservoir for a cooling fluidic medium that gathers at a back surface of the RF electrode.

23. (Currently Amended) The handpiece of claim [[20]] 1, wherein the flex circuit includes trace components.

24. (Currently Amended) The handpiece of claim [[20]] 1, wherein the flex circuit include a force sensor coupled to the flex circuit.

25. (Currently Amended) The handpiece of claim [[20]] 1, wherein the flex circuit includes a thermal sensor.

26. (Currently Amended) The handpiece of claim [[20]] 1, wherein the flex circuit further comprises the dielectric portion.

27. (Original) The handpiece of claim 1, further comprising:  
a force sensor coupled to the RF electrode.

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28. (Original) The handpiece of claim 27, wherein the force sensor is configured to detect an amount of force applied by the RF electrode against a surface.

29. (Original) The handpiece of claim 27, wherein the force sensor is configured to zero out gravity effects of the weight of the electrode assembly.

30. (Original) The handpiece of claim 27, wherein the force sensor is configured to zero out gravity effects of the weight of the electrode assembly in any orientation of a front surface of the RF electrode relative to a direction of gravity.

31. (Original) The handpiece of claim 27, wherein the force sensor is configured to provide an indication of RF electrode contact with a skin surface.

32. (Original) The handpiece of claim 27, wherein the force sensor is configured to provide a signal indicating that a force applied by the RF electrode to a contacted skin surface is below a minimum threshold.

33. (Original) The handpiece of claim 27, wherein the force sensor is configured to provide a signal indicating that a force applied by the RF electrode to a contacted skin surface is above a maximum threshold.

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34. (Original) The handpiece of claim 27, further comprising:

a tare button coupled to the force sensor.

35. (Original) The handpiece of claim 1, wherein the RF electrode is spring loaded.

36. (Original) The handpiece of claim 35, wherein the spring is pre-loaded.

37. (Original) The handpiece of claim 35, wherein the spring is configured to bias the RF electrode in a direction toward the handpiece housing.

38. (Original) The handpiece of claim 1, further comprising:

a shroud coupled to the handpiece.

39. (Cancelled)

40. (Currently Amended) The handpiece of claim 1, wherein the ~~RF electrode includes a conductive portion with a dielectric~~ portion is positioned around at least a portion of a periphery of the conductive portion.

41. (Currently Amended) The handpiece of claim 1, wherein the ~~RF electrode includes a conductive portion with a dielectric~~ portion is positioned around an entirety of a periphery of the conductive portion.

42. (Previously Presented) The handpiece of claim 113, wherein the electrode assembly includes a channel coupled with the valve member for delivery of the cooling fluidic medium, the channel having an inlet and an outlet.

43. (Previously Presented) The handpiece of claim 42, wherein the outlet of the channel has a smaller cross-sectional area than a cross-sectional area of the inlet.

44. (Original) The handpiece of claim 1, wherein the electrode assembly is moveable within at least a portion of the handpiece housing.

45. (Original) The handpiece of claim 1, wherein the electrode assembly is slideably moveable within at least a portion of the handpiece housing.

46. (Original) The handpiece of claim 1, wherein the electrode assembly is rotatably moveable relative to the handpiece housing.

47. (Original) The handpiece of claim 1, wherein the RF electrode is rotatably positioned in the electrode assembly.

48. (Original) The handpiece of claim 1, wherein the electrode assembly is coupled to the handpiece housing in a stationary position.

49-111. (Canceled)

112. (Previously Presented) The handpiece of claim 1, wherein the electrode assembly is coupled detachably to the handpiece housing.

113. (Previously Presented) The handpiece of claim 1, wherein the handpiece assembly further includes a valve member adapted to control delivery of a cooling fluidic medium that cools the electrode assembly.

114. (Previously Presented) A handpiece for non-invasively treating tissue using RF energy, comprising:

    a handpiece assembly including a handpiece housing; and

    an electrode assembly coupled to the handpiece housing, the electrode assembly including a thin and flexible flex circuit, the flex circuit including a dielectric layer and a conductive RF electrode layer disposed on the dielectric layer, and at least a portion of the RF electrode layer being capacitively coupled to the tissue when at least a portion of the flex circuit is in contact with a skin surface.

115. (Previously Presented) The handpiece of claim 114, wherein the flex circuit is configured to isolate flow of a cooling fluidic medium from a back surface of the RF electrode to a front surface of the RF electrode.

116. (Previously Presented) The handpiece of claim 114, wherein the flex circuit is configured to create a reservoir for a cooling fluidic medium that gathers at a back surface of the RF electrode.

117. (Previously Presented) The handpiece of claim 114, wherein the flex circuit includes trace components.

118. (Previously Presented) The handpiece of claim 114, wherein the flex circuit include a force sensor coupled to the flex circuit.

119. (Previously Presented) The handpiece of claim 114, wherein the flex circuit includes a thermal sensor.

120. (Previously Presented) The handpiece of claim 114, wherein the flex circuit includes a dielectric portion that contacts the skin surface.

121. (Previously Presented) The handpiece of claim 114, wherein the handpiece assembly further includes a valve member adapted to control delivery of a cooling fluidic medium that cools the electrode assembly.

122. (Previously Presented) The handpiece of claim 114, wherein the electrode assembly is coupled detachably to the handpiece housing.

**END OF AMENDMENT**

Claims 1-13, 15-19, 21-38, 40-48 and 112-122 are pending.

Claims 1 and 114 are the only independent claims.

The instant application is a CIP of USPN 6,413,255.

**The following is an examiner's statement of reasons for allowance:** The prior art neglects to disclose/suggest an RF handpiece with an electrode assembly with at least one electrode with a dielectric portion and a conductive portion that comprises a portion of a *flex circuit*. The Examiner's amendment above effectively placed claim 20 (language toward a flex circuit) into claim 1, obviating any 35 USC § 102 rejections. Further, the Applicant correctly argues away the combination of Heim's electrosurgical pencil (5,707,402) and Imran's flex circuit (5,396,887) by questioning the motivation to combine (see amendment dated 9-12-05 pages 19-20). As such, the prior 35 USC § 103 rejection toward claim 20 (now claim 1) is not warranted. Therefore, independent claims 1 and 114 (and their dependents), which both include language toward a flex circuit are in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

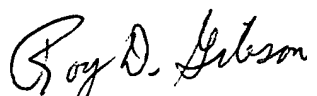
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Vrettakos whose telephone number is 571-272-4775. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pete Vrettakos  
December 22, 2005

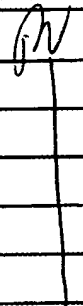
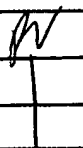
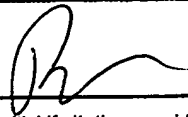
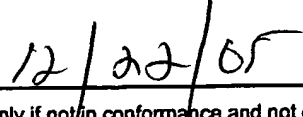


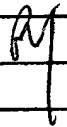
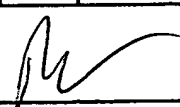
  
ROY D. GIBSON  
PRIMARY EXAMINER

|   |  |  |  |                                     |  |                                 |  |
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| SUBSTITUTE FORM PTO-1449<br>(MODIFIED)  |  | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE |  | ATTY. DOCKET NO.<br>THERM06         |  | SERIAL NO.<br>10/O72,610        |  |
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT<br><br>(Use several sheets if necessary) |  |  |  | APPLICANT<br>Roger A. Stern, et al. |  | FILING DATE<br>February 6, 2002 |  |
|   |  |  |  | GROUP<br>3837                       |  |                                 |  |

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 PATENT & TRADEMARK OFFICE

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|---|--|--------------------------|--|----------|----------------------|----------------------------|------------|--|--|--|--|--|
| EXAMINER INITIAL  | PATENT NUMBER  | ISSUE DATE               | PATENTEE   | CLASS    | SUBCLASS             | FILING DATE IF APPROPRIATE |            |  |  |  |  |  |
|   | A.A  | 5 6 6 0 8 3 6            | 8/26/1997  | Knowlton | 424                  | 400                        | 5/5/1995   |  |  |  |  |  |
|   | A.B  | 5 9 1 9 2 1 9            | 7/6/1999   | Knowlton | 607                  | 102                        | 8/19/1997  |  |  |  |  |  |
|   | A.C  | 5 9 4 8 0 1 1            | 9/7/1999   | Knowlton | 607                  | 101                        | 10/28/1997 |  |  |  |  |  |
|   | A.D  | 6 2 4 1 7 5 3            | 6/5/2001   | Knowlton | 607                  | 99                         | 1/5/1996   |  |  |  |  |  |
|   | A.E  | 6 3 1 1 0 9 0            | 10/30/2001   | Knowlton | 607                  | 101                        | 8/23/1999  |  |  |  |  |  |
|   | A.F  | 6 3 5 0 2 7 6            | 2/26/2002  | Knowlton | 607                  | 104                        | 6/30/1999  |  |  |  |  |  |
|   | A.G  | 6 3 7 7 8 5 4            | 4/23/2002  | Knowlton | 607                  | 101                        | 12/15/1997 |  |  |  |  |  |
|   | A.H  | 6 3 7 7 8 5 5            | 4/23/2002  | Knowlton | 607                  | 101                        | 1/6/1998   |  |  |  |  |  |
|   | A.I  | 6 3 8 1 4 9 8            | 4/30/2002  | Knowlton | 607                  | 101                        | 1/6/1998   |  |  |  |  |  |
|   | A.J  | 6 3 8 1 4 9 7            | 4/30/2003  | Knowlton | 607                  | 101                        | 1/6/1998   |  |  |  |  |  |
|   | A.K  | 6 3 8 7 3 8 0            | 5/14/2002  | Knowlton | 424                  | 400                        | 4/17/1996  |  |  |  |  |  |
| FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS  |  |                          |  |          |                      |                            |            |  |  |  |  |  |
| DOCUMENT NUMBER   | PUBLICATION DATE   | COUNTRY OR PATENT OFFICE | CLASS  | SUBCLASS | TRANSLATION (YES/NO) |                            |            |  |  |  |  |  |
| A.L   | Application No. PCT/US04/O9256   | N/A                      | PCT  | N/A      | N/A                  |                            |            |  |  |  |  |  |
| A.M   |  |                          |  |          |                      |                            |            |  |  |  |  |  |
| A.N   |  |                          |  |          |                      |                            |            |  |  |  |  |  |
| A.O   |  |                          |  |          |                      |                            |            |  |  |  |  |  |
| A.P   |  |                          |  |          |                      |                            |            |  |  |  |  |  |
| A.Q   |  |                          |  |          |                      |                            |            |  |  |  |  |  |
| OTHER DOCUMENTS (including Author, Title, Date, Place of Publication)   |  |                          |  |          |                      |                            |            |  |  |  |  |  |
| A.R   | Knowlton et al., <u>United States Patent Application Publication No. US 2004/O002704</u> , Publication Date: 1/1/2004  |                          |  |          |                      |                            |            |  |  |  |  |  |
| A.S   | Knowlton et al., <u>United States Patent Application Publication No. US 2004/O000316</u> , Publication Date: 1/1/2004  |                          |  |          |                      |                            |            |  |  |  |  |  |
| A.T   | Knowlton et al., <u>United States Patent Application Publication No. US 2004/O030332</u> , Publication Date: 2/12/2004 |                          |  |          |                      |                            |            |  |  |  |  |  |
| EXAMINER<br>  |  |                          | DATE CONSIDERED<br><div style="font-size: 1.5em; margin-top: 10px;">12/22/05</div> |          |                      |                            |            |  |  |  |  |  |
| EXAMINER Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant. |  |                          |  |          |                      |                            |            |  |  |  |  |  |

| SUBSTITUTE FORM PTO-1449<br>(MODIFIED)  |                    | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE  |                             | ATTY. DOCKET NO.<br>THERM/06   |          | SERIAL NO.<br>10/072,610      |            |
|---|--------------------|---|-----------------------------|--|----------|-------------------------------|------------|
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT<br><br>(Use several sheets if necessary)   |                    |   |                             | APPLICANT<br>Roger A. Stern, et al.  |          |                               |            |
|   |                    |   |                             | FILING DATE<br>February 6, 2002  |          | GROUP<br>3837                 |            |
| U.S. PATENT DOCUMENTS   |                    |   |                             |  |          |                               |            |
| EXAMINER<br>INITIAL   | PATENT NUMBER      | ISSUE<br>DATE   | PATENTEE                    | CLASS  | SUBCLASS | FILING DATE<br>IF APPROPRIATE |            |
|    | B.A                | 6 4 0 5 0 9 0   | 6/11/2002                   | Knowlton   | 607      | 102                           | 6/30/1999  |
|   | B.B                | 6 4 1 3 2 5 5   | 7/2/2002                    | Stern  | 606      | 41                            | 3/9/2000   |
|   | B.C                | 6 4 2 5 9 1 2   | 7/30/2002                   | Knowlton   | 607      | 101                           | 9/30/1997  |
|   | B.D                | 6 4 3 0 4 4 6   | 8/6/2002                    | Knowlton   | 607      | 101                           | 3/28/1997  |
|   | B.E                | 6 4 5 3 2 0 2   | 9/17/2002                   | Knowlton   | 607      | 102                           | 9/17/1999  |
|   | B.F                | 6 7 4 9 6 2 4   | 8/15/2004                   | Knowlton   | 607      | 104                           | 12/20/2001 |
|   | B.G                |   |                             |  |          |                               |            |
|   | B.H                |   |                             |  |          |                               |            |
|   | B.I                |   |                             |  |          |                               |            |
|   | B.J                |   |                             |  |          |                               |            |
|   | B.K                |   |                             |  |          |                               |            |
| FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS  |                    |   |                             |  |          |                               |            |
|   | DOCUMENT<br>NUMBER | PUBLICATION<br>DATE   | COUNTRY OR<br>PATENT OFFICE | CLASS  | SUBCLASS | TRANSLATION<br>(YES/NO)       |            |
|   | B.L                |   |                             |  |          |                               |            |
|   | B.M                |   |                             |  |          |                               |            |
|   | B.N                |   |                             |  |          |                               |            |
|   | B.O                |   |                             |  |          |                               |            |
|   | B.P                |   |                             |  |          |                               |            |
|   | B.Q                |   |                             |  |          |                               |            |
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|    | B.R                | Stern et al., <u>United States Patent Application Publication No. US 2004/0034346</u> , Publication Date: 2/19/2004     |                             |  |          |                               |            |
|   | B.S                | Knowlton et al., <u>United States Patent Application Publication No. US 2003/0212393</u> , Publication Date: 11/13/2003 |                             |  |          |                               |            |
|   | B.T                | Knowlton et al., <u>United States Patent Application Publication No. US 2004/0002705</u> , Publication Date: 1/1/2004   |                             |  |          |                               |            |
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| SUBSTITUTE FORM PTO-1449<br>(MODIFIED)   |      | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE   |                     | ATTY. DOCKET NO.<br>THERM/06        | SERIAL NO.<br>10/072,610 |               |                               |
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT<br><br>(Use several sheets if necessary)<br><br>(37 CFR 1.98(b))  |      |  |                     | APPLICANT<br>Roger A. Stern, et al. |                          |               |                               |
|  |      |  |                     | FILING DATE<br>February 6, 2002     |                          | GROUP<br>3837 |                               |
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| EXAMINER<br>INITIAL  |      | PATENT NUMBER  | ISSUE<br>DATE       | PATENTEE                            | CLASS                    | SUBCLASS      | FILING DATE<br>IF APPROPRIATE |
|  | C.A. |  |                     |                                     |                          |               |                               |
|  | C.B. |  |                     |                                     |                          |               |                               |
|  | C.C. |  |                     |                                     |                          |               |                               |
|  | C.D. |  |                     |                                     |                          |               |                               |
|  | C.E. |  |                     |                                     |                          |               |                               |
|  | C.F. |  |                     |                                     |                          |               |                               |
|  | C.G. |  |                     |                                     |                          |               |                               |
|  | C.H. |  |                     |                                     |                          |               |                               |
|  | C.I. |  |                     |                                     |                          |               |                               |
|  | C.J. |  |                     |                                     |                          |               |                               |
|  | C.K. |  |                     |                                     |                          |               |                               |
| FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS   |      |  |                     |                                     |                          |               |                               |
|  |      | DOCUMENT<br>NUMBER   | PUBLICATION<br>DATE | COUNTRY OR<br>PATENT OFFICE         | CLASS                    | SUBCLASS      | TRANSLATION<br>(YES/NO)       |
|  | C.L. |  |                     |                                     |                          |               |                               |
|  | C.M. |  |                     |                                     |                          |               |                               |
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|  | C.Q. |  |                     |                                     |                          |               |                               |
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|   | C.R. | Stern et al., <u>United States Patent Application Publication No. US 2003/0216728</u> , Publication Date: 11/20/2003 |                     |                                     |                          |               |                               |
|  | C.S. | Stern et al., <u>United States Patent Application Publication No. US 2003/0199866</u> , Publication Date: 10/23/2003 |                     |                                     |                          |               |                               |
|  | C.T. |  |                     |                                     |                          |               |                               |
| EXAMINER    |      |  |                     | DATE CONSIDERED <u>12/22/05</u>     |                          |               |                               |
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| INFORMATION DISCLOSURE STATEMENT                                       |                 | ATTY. DOCKET NO.       |                          | SERIAL NO. |          |                          |                          |
|--|-----------------|------------------------|--------------------------|------------|----------|--------------------------|--------------------------|
| PTO-1449   |                 | 39238-0747             |                          | 10/072,610 |          |                          |                          |
|  |                 | APPLICANT Stern et al. |                          |            |          |                          |                          |
|  |                 | FILING DATE 02/06/2002 |                          | GROUP 3739 |          |                          |                          |
| U.S. PATENT DOCUMENTS  |                 |                        |                          |            |          |                          |                          |
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| [Signature]  | US/2002/0151887 | 10/17/2002             | Stern et al.             | 606        | 41       |                          |                          |
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|  |                 |                        |                          |            |          |                          |                          |
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| EXAMINER'S INITIALS  | PATENT NO.      | DATE                   | COUNTRY                  | CLASS      | SUBCLASS | TRANSLATION              |                          |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |                 |                        |                          |            |          |                          |                          |
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| EXAMINER   | [Signature]     |                        | DATE CONSIDERED 12/28/05 |            |          |                          |                          |

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STATEMENT**

**PTO-1449**

**ATTY. DOCKET NO.**

39238-0747

**SERIAL NO.**

10/072,610

**APPLICANT** Stern et al.

**FILING DATE** 02/06/2002

**GROUP** 3739

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|                        | 2002/0183789 | 12/05/2002 | Neev             |       |          |                |
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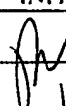
**DATE CONSIDERED**

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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b> | <b>ATTY. DOCKET NO.</b><br>39238-0747 | <b>SERIAL NO.</b><br>10/072,610 |
|  | <b>APPLICANT</b> Stern et al.         |                                 |
|  | <b>FILING DATE</b> 02/06/2002         | <b>GROUP</b> 3739               |

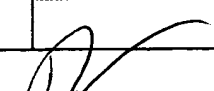
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
**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

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|  | <b>FILING DATE</b> 02/06/2002         | <b>GROUP</b> 3739               |

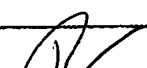
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
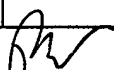
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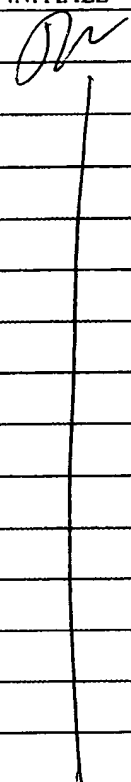
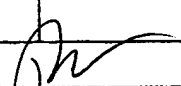
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>            |            | ATTY. DOCKET NO.<br>39238-0747 |                 | SERIAL NO.<br>10/072,610 |          |                          |                          |
|---|------------|--------------------------------|-----------------|--------------------------|----------|--------------------------|--------------------------|
|   |            | APPLICANT Stern et al.         |                 |                          |          |                          |                          |
|   |            | FILING DATE 02/06/2002         |                 | GROUP 3739               |          |                          |                          |
| <b>U.S. PATENT DOCUMENTS</b>  |            |                                |                 |                          |          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO. | DATE                           | NAME            | CLASS                    | SUBCLASS | FILING<br>DATE           |                          |
|   | 5,397,327  | 03/14/1995                     | Koop et al.     |                          |          |                          |                          |
|   | 5,401,272  | 03/28/1995                     | Perkins         |                          |          |                          |                          |
|   | 5,405,368  | 04/11/1995                     | Eckhouse        |                          |          |                          |                          |
|   | 5,454,808  | 10/03/1995                     | Koop et al.     |                          |          |                          |                          |
|   | 5,486,172  | 01/23/1996                     | Chess           |                          |          |                          |                          |
|   | 5,509,916  | 04/23/1996                     | Taylor          |                          |          |                          |                          |
|   | 5,522,814  | 06/04/1996                     | Bernaz          |                          |          |                          |                          |
|   | 5,599,342  | 02/04/1997                     | Hsia et al.     |                          |          |                          |                          |
|   | 5,620,478  | 04/15/1997                     | Eckhouse        |                          |          |                          |                          |
|   | 5,626,631  | 05/06/1997                     | Eckhouse        |                          |          |                          |                          |
|   | 5,628,744  | 05/13/1997                     | Coleman et al.  |                          |          |                          |                          |
|   | 5,669,868  | 09/23/1997                     | Markoll         |                          |          |                          |                          |
|   | 5,683,380  | 11/04/1997                     | Eckhouse et al. |                          |          |                          |                          |
|   | 5,720,772  | 02/24/1998                     | Eckhouse        |                          |          |                          |                          |
| <b>FOREIGN PATENT DOCUMENTS</b>   |            |                                |                 |                          |          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO. | DATE                           | COUNTRY         | CLASS                    | SUBCLASS | TRANSLATI<br>ON          |                          |
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|   |            |                                |                 |                          |          | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b> |            |                                |                 |                          |          |                          |                          |
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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>                           |                                 | ATTY. DOCKET NO.<br>39238-0747 |                          | SERIAL NO.<br>10/072,610 |          |                          |                          |
|--|---------------------------------|--------------------------------|--------------------------|--------------------------|----------|--------------------------|--------------------------|
|  |                                 | APPLICANT Stern et al.         |                          |                          |          |                          |                          |
|  |                                 | FILING DATE 02/06/2002         |                          | GROUP 3739               |          |                          |                          |
| <b>U.S. PATENT DOCUMENTS</b>   |                                 |                                |                          |                          |          |                          |                          |
| EXAMINER'S<br>INITIALS   | PATENT NO.                      | DATE                           | NAME                     | CLASS                    | SUBCLASS | FILING<br>DATE           |                          |
|             | 5,730,719                       | 03/24/1998                     | Edwards                  |                          |          |                          |                          |
|  | 5,755,751                       | 05/26/1998                     | Eckhouse                 |                          |          |                          |                          |
|  | 5,814,040                       | 09/29/1998                     | Nelson et al.            |                          |          |                          |                          |
|  | 5,849,029                       | 12/15/1998                     | Eckhouse et al.          |                          |          |                          |                          |
|  | 5,851,181                       | 12/22/1998                     | Talmor                   |                          |          |                          |                          |
|  | 5,879,346                       | 03/09/1999                     | Waldman et al.           |                          |          |                          |                          |
|  | 5,885,273                       | 03/23/1999                     | Eckhouse et al.          |                          |          |                          |                          |
|  | 5,979,454                       | 11/09/1999                     | Anvari et al.            |                          |          |                          |                          |
|  | 5,997,530                       | 12/07/1999                     | Nelson et al.            |                          |          |                          |                          |
|  | 6,015,404                       | 01/18/2000                     | Altshuler et al.         |                          |          |                          |                          |
|  | 6,027,495                       | 02/22/2000                     | Miller                   |                          |          |                          |                          |
|  | 6,050,990                       | 04/18/2000                     | Tankovich et al.         |                          |          |                          |                          |
|  | 6,053,909                       | 04/25/2000                     | Shaddock                 |                          |          |                          |                          |
|  | 6,147,503                       | 11/14/2000                     | Nelson et al.            |                          |          |                          |                          |
|  | <b>FOREIGN PATENT DOCUMENTS</b> |                                |                          |                          |          |                          |                          |
| EXAMINER'S<br>INITIALS   | PATENT NO.                      | DATE                           | COUNTRY                  | CLASS                    | SUBCLASS | TRANSLATI<br>ON          |                          |
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| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>                |                                 |                                |                          |                          |          |                          |                          |
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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>                                  |                          | <b>ATTY. DOCKET NO.</b><br>39238-0747 |                                 | <b>SERIAL NO.</b><br>10/072,610 |                 |  |                          |                          |                          |                          |                          |                          |
|   |                          | <b>APPLICANT</b> Stern et al.         |                                 |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   |                          | <b>FILING DATE</b> 02/06/2002         |                                 | <b>GROUP</b> 3739               |                 |  |                          |                          |                          |                          |                          |                          |
| <b>U.S. PATENT DOCUMENTS</b>  |                          |                                       |                                 |                                 |                 |  |                          |                          |                          |                          |                          |                          |
| <b>EXAMINER'S<br/>INITIALS</b>  | <b>PATENT NO.</b>        | <b>DATE</b>                           | <b>NAME</b>                     | <b>CLASS</b>                    | <b>SUBCLASS</b> | <b>FILING<br/>DATE</b>   |                          |                          |                          |                          |                          |                          |
|                   | 6,159,194                | 12/12/2000                            | Eggers et al.                   |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,171,301                | 01/09/2001                            | Nelson et al.                   |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,183,773                | 02/06/2001                            | Anderson                        |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,187,001                | 02/13/2001                            | Azar et al.                     |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,200,308                | 03/13/2001                            | Pope et al.                     |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,214,034                | 04/10/2001                            | Azar                            |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,248,103                | 06/19/2001                            | Tannenbaum et al.               |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,254,594                | 07/03/2001                            | Berry                           |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,267,758                | 07/31/2001                            | Daw et al.                      |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,280,438                | 08/28/2001                            | Eckhouse et al.                 |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,283,956                | 09/04/2001                            | McDaniel                        |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,299,620                | 10/09/2001                            | Shaddock et al.                 |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,387,103                | 05/14/2002                            | Shaddock                        |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,402,739                | 06/11/2002                            | Neev                            |                                 |                 |  |                          |                          |                          |                          |                          |                          |
|   | 6,408,212                | 06/18/2002                            | Neev                            |                                 |                 |  |                          |                          |                          |                          |                          |                          |
| <b>FOREIGN PATENT DOCUMENTS</b>   |                          |                                       |                                 |                                 |                 |  |                          |                          |                          |                          |                          |                          |
| <b>EXAMINER'S<br/>INITIALS</b>  | <b>PATENT NO.</b>        | <b>DATE</b>                           | <b>COUNTRY</b>                  | <b>CLASS</b>                    | <b>SUBCLASS</b> | <b>TRANSLATI<br/>ON</b>  |                          |                          |                          |                          |                          |                          |
|   |                          |                                       |                                 |                                 |                 | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>YES</b></td> <td style="text-align: center;"><b>NO</b></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | <b>YES</b>               | <b>NO</b>                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>YES</b>  | <b>NO</b>                |                                       |                                 |                                 |                 |  |                          |                          |                          |                          |                          |                          |
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| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>                       |                          |                                       |                                 |                                 |                 |  |                          |                          |                          |                          |                          |                          |
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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b> | <b>ATTY. DOCKET NO.</b><br>39238-0747 | <b>SERIAL NO.</b><br>10/072,610 |
|  | <b>APPLICANT</b> Stern et al.         |                                 |
|  | <b>FILING DATE</b> 02/06/2002         | <b>GROUP</b> 3739               |

**U.S. PATENT DOCUMENTS**

| EXAMINER'S<br>INITIALS | PATENT NO. | DATE       | NAME            | CLASS | SUBCLASS | FILING<br>DATE |
|------------------------|------------|------------|-----------------|-------|----------|----------------|
| <i>fw</i>              | 6,413,253  | 07/02/2002 | Koop et al.     |       |          |                |
|                        | 6,451,007  | 09/17/2002 | Koop et al.     |       |          |                |
|                        | 6,463,336  | 10/08/2002 | Mawhinney       |       |          |                |
|                        | 6,485,484  | 11/26/2002 | Connors et al.  |       |          |                |
|                        | 6,488,696  | 12/03/2002 | Cho et al.      |       |          |                |
|                        | 6,508,813  | 01/21/2003 | Altshuler       |       |          |                |
|                        | 6,514,243  | 02/04/2003 | Eckhouse et al. |       |          |                |
|                        | 6,514,244  | 02/04/2003 | Pope et al.     |       |          |                |
|                        | 6,533,775  | 03/18/2003 | Rizoiu          |       |          |                |
|                        | 6,569,155  | 05/27/2003 | Connors et al.  |       |          |                |
|                        | 6,600,951  | 07/29/2003 | Anderson        |       |          |                |
|                        | 6,605,079  | 08/12/2003 | Shanks et al.   |       |          |                |
|                        | 6,612,212  | 12/19/2000 | Kreindel et al. |       |          |                |
|                        | 6,623,454  | 09/23/2003 | Eggers et al.   |       |          |                |
|                        | 6,629,974  | 10/07/2003 | Penny et al.    |       |          |                |

**FOREIGN PATENT DOCUMENTS**

| EXAMINER'S<br>INITIALS | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATI<br>ON          |                          |
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|                        |            |      |         |       |          | YES                      | NO                       |
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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b> |  | <b>ATTY. DOCKET NO.</b><br>39238-0747 |  | <b>SERIAL NO.</b><br>10/072,610 |  |
|  |  | <b>APPLICANT</b> Stern et al.         |  |                                 |  |
|  |  | <b>FILING DATE</b> 02/06/2002         |  | <b>GROUP</b> 3739               |  |

| U.S. PATENT DOCUMENTS |            |            |                  |          |          |             |
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| EXAMINER'S INITIALS   | PATENT NO. | DATE       | NAME             | CLASS    | SUBCLASS | FILING DATE |
|                       | 6,632,218  | 10/14/2003 | Furumoto et al.  |          |          |             |
|                       | 6,649,904  | 11/18/2003 | Hayashi et al.   |          |          |             |
|                       | 6,653,618  | 11/25/2003 | Zenzie           |          |          |             |
|                       | 6,662,054  | 12/09/2003 | Kreindel et al.  |          |          |             |
|                       | 6,666,856  | 12/23/2003 | Connors et al.   |          |          |             |
|                       | 6,702,808  | 03/09/2004 | Kreindel         |          |          |             |
|                       | 6,702,838  | 03/09/2004 | Anderson, et al. |          |          |             |
|                       | 6,723,090  | 04/20/2004 | Altshuler et al. |          |          |             |
|                       | 6,743,222  | 06/1/2004  | Durkin et al.    |          |          |             |
|                       | 6,749,602  | 06/15/2004 | Sierra et al.    |          |          |             |
|                       | 6,758,845  | 07/06/2004 | Weckwerth et al. |          |          |             |
|                       |            | RE 36,634  | 03/28/2000       | Ghaffari |          |             |
|                       |            |            |                  |          |          |             |
|                       |            |            |                  |          |          |             |
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| FOREIGN PATENT DOCUMENTS |            |      |         |       |          |                          |                          |
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| EXAMINER'S INITIALS      | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION              |                          |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |  |
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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>            |   |          | ATTY. DOCKET NO.<br>39238-0747   |       | SERIAL NO.<br>10/072,610 |                                     |                                     |
|   |   |          | APPLICANT STERN, Roger A. et al. |       |                          |                                     |                                     |
|   |   |          | FILING DATE 02/06/2002           |       | GROUP: 3739              |                                     |                                     |
| <b>U.S. PATENT DOCUMENTS</b>  |   |          |                                  |       |                          |                                     |                                     |
| EXAMINER'S<br>INITIALS  | PATENT NO.  | DATE     | NAME                             | CLASS | SUBCLASS                 | FILING DATE                         |                                     |
| RV  | 6,053,909   | 4/25/00  | Shaddock                         | 606   | 3                        | 3/27/98                             |                                     |
|   | 6,413,253   | 7/2/02   | Koop, et al.                     | 606   | 27                       | 11/3/98                             |                                     |
|   | 5,509,916   | 4/23/96  | Taylor                           | 606   | 13                       | 8/12/94                             |                                     |
|   | 5,401,272   | 3/28/95  | Perkins                          | 606   | 15                       | 2/16/94                             |                                     |
|   | 5,011,483   | 4/30/91  | Sleister                         | 606   | 37                       | 6/26/89                             |                                     |
|   | 6,413,253   | 7/2/02   | Koop et al.                      | 606   | 27                       | 11/3/98                             |                                     |
|   | 6,273,885   | 8/14/01  | Koop et al.                      | 606   | 9                        | 8/16/98                             |                                     |
|   | 6,451,007   | 9/17/02  | Koop et al.                      | 606   | 9                        | 7/29/99                             |                                     |
|   | 5,344,418   | 9/06/94  | Ghaffari                         | 606   | 9                        | 12/12/91                            |                                     |
|   | 5,814,008   | 9/29/98  | Chen et al.                      | 604   | 21                       | 7/29/96                             |                                     |
|   | 5,968,034   | 10/19/99 | Fullmer et al.                   | 606   | 9                        | 6/24/98                             |                                     |
|   | 5,885,274   | 3/23/99  | Fullmer et al.                   | 606   | 9                        | 6/24/97                             |                                     |
|   | <b>FOREIGN PATENT DOCUMENTS</b>   |          |                                  |       |                          |                                     |                                     |
| RV  | PATENT NO.  | DATE     | COUNTRY                          | CLASS | SUBCLASS                 | TRANSLATION                         |                                     |
|   |   |          |                                  |       |                          | YES                                 | NO                                  |
|   |   |          |                                  |       |                          |                                     |                                     |
|   | DE 10082526 T1  | 7/29/99  | Germany                          |       |                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|   | WO 01/08545 A2  | 2/8/01   | PCT                              | A61B  |                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
|   | WO 00/48644 A3  | 8/24/00  | PCT                              | A61B  | 18/00                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b> |   |          |                                  |       |                          |                                     |                                     |
| RV  | Thermage, Inc., "Complaint For Patent Infringement", July 23, 2004.   |          |                                  |       |                          |                                     |                                     |
|   | Thermage, Inc., "Motion for Preliminary Injunction", August 6, 2004.  |          |                                  |       |                          |                                     |                                     |
|   | Thermage, Inc., "Memorandum in Support of Motion for Preliminary Injunction", August 6, 2004.   |          |                                  |       |                          |                                     |                                     |
|   | Thermage, Inc., "Declaration of Edward A. Ebberts in Support of Motion for Preliminary Injunction" and attached exhibits A-E, August 6, 2004. |          |                                  |       |                          |                                     |                                     |
| EXAMINER  |   |          | DATE CONSIDERED 12/22/05         |       |                          |                                     |                                     |

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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>            |  |          | ATTY. DOCKET NO.<br>39238-0747   |       | SERIAL NO.<br>10/072,610 |                          |                          |
|   |  |          | APPLICANT STERN, Roger A. et al. |       |                          |                          |                          |
|   |  |          | FILING DATE 02/06/2002           |       | GROUP: 3739              |                          |                          |
| <b>U.S. PATENT DOCUMENTS</b>  |  |          |                                  |       |                          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.   | DATE     | NAME                             | CLASS | SUBCLASS                 | FILING DATE              |                          |
| <i>h</i>  | 5,820,626  | 10/13/98 | Baumgardner                      | 606   | 13                       | 7/30/96                  |                          |
|   | 5,814,040  | 9/29/98  | Nelson et al.                    | 606   | 9                        | 5/15/95                  |                          |
|   | 5,595,568  | 1/27/97  | Anderson et al.                  | 606   | 9                        | 2/1/95                   |                          |
|   | 5,735,844  | 4/7/98   | Anderson et al.                  | 606   | 9                        | 4/7/98                   |                          |
|   | 6,659,999  | 12/9/03  | Anderson et al.                  | 606   | 9                        | 6/5/00                   |                          |
|   | 5,979,454  | 11/9/99  | Anvari et al.                    | 128   | 898                      | 6/6/97                   |                          |
|   | 6,171,301  | 1/9/01   | Nelson et al.                    | 606   | 9                        | 11/3/97                  |                          |
|   | 5,628,744  | 5/13/97  | Coleman et al.                   | 606   | 12                       | 12/21/93                 |                          |
|   | 5,683,380  | 11/4/97  | Eckhouse et al.                  | 606   | 19                       | 3/29/95                  |                          |
|   | 5,810,801  | 11/22/98 | Anderson et al.                  | 606   | 9                        | 2/5/97                   |                          |
|   | 5,885,273  | 3/23/99  | Eckhouse et al.                  | 606   | 9                        | 2/9/96                   |                          |
| <b>FOREIGN PATENT DOCUMENTS</b>   |  |          |                                  |       |                          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.   | DATE     | COUNTRY                          | CLASS | SUBCLASS                 | TRANSLATION              |                          |
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| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b> |  |          |                                  |       |                          |                          |                          |
| <i>h</i>  | Thermage, Inc. "Declaration of Dr. Maureen Reitman in Support of Motion for Preliminary Injunction" and attached Exhibits A-M, August 6, 2004.   |          |                                  |       |                          |                          |                          |
|   | Thermage, Inc. "Declaration of Dave B. Koo in Support of Motion for Preliminary Injunction" and attached Exhibits A-D, August 6, 2004.   |          |                                  |       |                          |                          |                          |
|   | Syneron Medical, Ltd., Syneron, Inc., "Declaration of Robert S. McArthur in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction" and attached Exhibits 1-25, August 17, 2004. |          |                                  |       |                          |                          |                          |
|   | Syneron Medical, Ltd., Syneron, Inc., "Memorandum in Opposition to Plaintiff's Motion for a Preliminary Injunction", August 27, 2004.  |          |                                  |       |                          |                          |                          |
| EXAMINER <i>h</i>   |  |          | DATE CONSIDERED 12/22/05         |       |                          |                          |                          |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



| INFORMATION DISCLOSURE<br>STATEMENT<br><br>PTO-1449                    |  | ATTY. DOCKET NO.                 |                          | SERIAL NO.  |          |                          |                          |
|--|--|----------------------------------|--------------------------|-------------|----------|--------------------------|--------------------------|
|  |  | 39238-0747                       |                          | 10/072,610  |          |                          |                          |
|  |  | APPLICANT STERN, Roger A. et al. |                          |             |          |                          |                          |
|  |  | FILING DATE 02/06/2002           |                          | GROUP: 3739 |          |                          |                          |
| U.S. PATENT DOCUMENTS  |  |                                  |                          |             |          |                          |                          |
| EXAMINER'S<br>INITIALS   | PATENT NO.   | DATE                             | NAME                     | CLASS       | SUBCLASS | FILING DATE              |                          |
|  | 6,248,103  | 6/19/01                          | Tannenbaum et al.        | 606         | 9        | 5/28/99                  |                          |
|  | 5,906,609  | 5/25/99                          | Assa et al.              | 606         | 9        | 2/5/97                   |                          |
|  | 5,938,657  | 8/17/99                          | Assa et al.              | 606         | 9        | 2/5/97                   |                          |
|  | 5,964,749  | 10/12/99                         | Eckhouse et al.          | 606         | 9        | 9/15/95                  |                          |
|  | 6,050,990  | 4/18/00                          | Tankovich et al.         | 606         | 9        | 12/4/97                  |                          |
|  | 6,090,101  | 7/18/00                          | Quon et al.              | 606         | 9        | 12/10/97                 |                          |
|  | 6,104,959  | 8/15/00                          | Spertell                 | 607         | 101      | 7/31/97                  |                          |
|  | 6,168,590  | 1/2/01                           | Neev                     | 606         | 9        | 8/11/98                  |                          |
| FOREIGN PATENT DOCUMENTS   |  |                                  |                          |             |          |                          |                          |
| EXAMINER'S<br>INITIALS   | PATENT NO.   | DATE                             | COUNTRY                  | CLASS       | SUBCLASS | TRANSLATION              |                          |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |  |                                  |                          |             |          |                          |                          |
|  | Syneron Medical, Ltd., Syneron, Inc., "Declaration of Dr. Warren S. Grundfest in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction" and attached Exhibits A-F, August 27, 2004. |                                  |                          |             |          |                          |                          |
|  | Syneron Medical, Ltd., Syneron, Inc., "Declaration of Dr. Michael Kreindel in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction" and attached Exhibit A, August 27, 2004.       |                                  |                          |             |          |                          |                          |
|  | Syneron Medical, Ltd., Syneron, Inc., "Declaration of Domenic Serafino in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction" and attached Exhibits A-C, August 27, 2004.        |                                  |                          |             |          |                          |                          |
|  | Syneron Medical, Ltd., Syneron, Inc., "Declaration of Moshe Mizrahy in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction", August 17, 2004.                                     |                                  |                          |             |          |                          |                          |
| EXAMINER   |  |                                  | DATE CONSIDERED 12/22/05 |             |          |                          |                          |

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SHEET 4 OF 9

| INFORMATION DISCLOSURE<br>STATEMENT<br><br>PTO-1449                    |   | ATTY. DOCKET NO.<br>39238-0747   |                          | SERIAL NO.<br>10/072,610 |          |                          |                          |
|--|---|----------------------------------|--------------------------|--------------------------|----------|--------------------------|--------------------------|
|  |   | APPLICANT STERN, Roger A. et al. |                          |                          |          |                          |                          |
|  |   | FILING DATE 02/06/2002           |                          | GROUP: 3739              |          |                          |                          |
| U.S. PATENT DOCUMENTS.   |   |                                  |                          |                          |          |                          |                          |
| EXAMINER'S<br>INITIALS   | PATENT NO.  | DATE                             | NAME                     | CLASS                    | SUBCLASS | FILING DATE              |                          |
| [Signature]  | 6,210,402   | 4/3/01                           | Olsen et al.             | 606                      | 32       | 11/25/97                 |                          |
|  | 6,235,024   | 5/22/01                          | Tu                       | 606                      | 41       | 6/21/99                  |                          |
|  | 6,337,998   | 1/8/02                           | Behl et al.              | 607                      | 101      | 7/14/99                  |                          |
|  | 4,140,130   | 2/20/79                          | Storm, III               | 607                      | 154      | 5/31/77                  |                          |
|  | 5,948,009   | 9/7/99                           | Tu                       | 607                      | 96       | 3/6/98                   |                          |
|  | 6,047,215   | 4/4/00                           | McClure et al.           | 607                      | 101      | 3/6/98                   |                          |
|  | 6,273,884   | 8/14/01                          | Altshuler et al.         | 606                      | 9        | 5/13/98                  |                          |
|  | 6,336,926   | 1/8/02                           | Goble                    | 606                      | 34       | 1/18/00                  |                          |
| FOREIGN PATENT DOCUMENTS   |   |                                  |                          |                          |          |                          |                          |
| EXAMINER'S<br>INITIALS   | PATENT NO.  | DATE                             | COUNTRY                  | CLASS                    | SUBCLASS | TRANSLATION              |                          |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |   |                                  |                          |                          |          |                          |                          |
| [Signature]  | Syneron Medical, Ltd., Syneron, Inc., "Syneron Medical Ltd.'s and Syneron, Inc.'s Answer to Complaint with Jury Demand and Declaratory Judgment, Counterclaim against Thermage, Inc.", August 27, 2004. |                                  |                          |                          |          |                          |                          |
|  | Thermage, Inc., "Reply Memorandum re Motion for Preliminary Injunction", September 3, 2004.   |                                  |                          |                          |          |                          |                          |
|  | Thermage, Inc., "Declaration of John M. Benassi in Support of Motion for Preliminary Injunction" and attached Exhibits A-B, September 3, 2004.  |                                  |                          |                          |          |                          |                          |
|  | Thermage, Inc., "Declaration of Paul Davis in Support of Motion for Preliminary Injunction" and attached Exhibits A-C, September 3, 2004.   |                                  |                          |                          |          |                          |                          |
| EXAMINER [Signature]   |   |                                  | DATE CONSIDERED 12/22/05 |                          |          |                          |                          |

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SHEET 5 OF 9

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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>            |   | ATTY. DOCKET NO.<br>39238-0747   |                          | SERIAL NO.<br>10/072,610 |          |                          |                          |
|   |   | APPLICANT STERN, Roger A. et al. |                          |                          |          |                          |                          |
|   |   | FILING DATE 02/06/2002           |                          | GROUP: 3739              |          |                          |                          |
| <b>U.S. PATENT DOCUMENTS</b>  |   |                                  |                          |                          |          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.  | DATE                             | NAME                     | CLASS                    | SUBCLASS | FILING DATE              |                          |
| JW  | 6,500,141   | 12/31/02                         | Irion et al.             | 604                      | 32       | 7/7/00                   |                          |
|   | 6,387,089   | 5/14/02                          | Kreindel et al.          | 606                      | 9        | 5/10/99                  |                          |
|   | 5,964,749   | 10/12/99                         | Eckhouse et al.          | 606                      | 9        | 9/15/95                  |                          |
|   | 5,405,368   | 10/20/92                         | Eckhouse et al.          | 607                      | 88       | 10/20/92                 |                          |
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| <b>FOREIGN PATENT DOCUMENTS</b>   |   |                                  |                          |                          |          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.  | DATE                             | COUNTRY                  | CLASS                    | SUBCLASS | TRANSLATION              |                          |
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| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b> |   |                                  |                          |                          |          |                          |                          |
| JW  | Thermage, Inc., "Declaration of Robert Gerberich in Support of Motion for Preliminary Injunction", September 3, 2004.               |                                  |                          |                          |          |                          |                          |
| JW  | Thermage, Inc., "Declaration of Edward W. Knowlton in Support of Motion for Preliminary Injunction", September 3, 2004.             |                                  |                          |                          |          |                          |                          |
| JW  | Thermage, Inc., "Declaration of Richard J. Meader in Support of Motion for Preliminary Injunction", September 3, 2004.              |                                  |                          |                          |          |                          |                          |
| JW  | Thermage, Inc., "Declaration of Maureen Reitman in Support of Motion for Preliminary Injunction (Supplemental)", September 3, 2004. |                                  |                          |                          |          |                          |                          |
| EXAMINER JW   |   |                                  | DATE CONSIDERED 12/20/05 |                          |          |                          |                          |

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SHEET 6 OF 9

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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>            |  |      | ATTY. DOCKET NO.<br>39238-0747   |                          | SERIAL NO.<br>10/072,610 |                          |                          |
|   |  |      | APPLICANT STERN, Roger A. et al. |                          |                          |                          |                          |
|   |  |      | FILING DATE 02/06/2002           |                          | GROUP: 3739              |                          |                          |
| <b>U.S. PATENT DOCUMENTS</b>  |  |      |                                  |                          |                          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.   | DATE | NAME                             | CLASS                    | SUBCLASS                 | FILING DATE              |                          |
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| <b>FOREIGN PATENT DOCUMENTS</b>   |  |      |                                  |                          |                          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.   | DATE | COUNTRY                          | CLASS                    | SUBCLASS                 | TRANSLATION              |                          |
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| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b> |  |      |                                  |                          |                          |                          |                          |
| Bm  | Syneron Medical, Ltd., Syneron, Inc., "Motion for Leave to File Syneron's Surreply in Opposition to Preliminary Injunction Motion", September 10, 2004.                            |      |                                  |                          |                          |                          |                          |
|   | Syneron Medical, Ltd., Syneron, Inc., "Surreply in Opposition to Thermage, Inc.'s Preliminary Injunction Motion", September 10, 2004.  |      |                                  |                          |                          |                          |                          |
|   | Syneron Medical, Ltd., Syneron, Inc., "Supplemental Declaration of Jill Neiman in Opposition to Preliminary Injunction Motion" and attached Exhibits A-C, September 10, 2004.      |      |                                  |                          |                          |                          |                          |
|   | Syneron Medical, Ltd., Syneron, Inc., "Supplemental Declaration of Warren Grundfest in Opposition to Preliminary Injunction Motion" and attached Exhibits A-B, September 10, 2004. |      |                                  |                          |                          |                          |                          |
| EXAMINER  |  |      |                                  | DATE CONSIDERED 12/22/05 |                          |                          |                          |

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| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>            |  | ATTY. DOCKET NO.<br>39238-0747   |         | SERIAL NO.<br>10/072,610 |          |                          |                          |
|   |  | APPLICANT STERN, Roger A. et al. |         |                          |          |                          |                          |
|   |  | FILING DATE 02/06/2002           |         | GROUP: 3739              |          |                          |                          |
| <b>U.S. PATENT DOCUMENTS</b>  |  |                                  |         |                          |          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.   | DATE                             | NAME    | CLASS                    | SUBCLASS | FILING DATE              |                          |
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| <b>FOREIGN PATENT DOCUMENTS</b>   |  |                                  |         |                          |          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.   | DATE                             | COUNTRY | CLASS                    | SUBCLASS | TRANSLATION              |                          |
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| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b> |  |                                  |         |                          |          |                          |                          |
|   | Anvari et al., "Spatially Selective Photocoagulation of Biological Tissues: Feasibility Study Utilizing Cryogen Spray Cooling," Applied Optics, Vol. 35, No. 19, July 1, 1996. |                                  |         |                          |          |                          |                          |
|   |  |                                  |         |                          |          |                          |                          |
|   |  |                                  |         |                          |          |                          |                          |
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# INFORMATION DISCLOSURE CITATION

PTO-1449

ATTY. DOCKET NO.  
39238-0747APPLICATION NO.  
10/072,610

TITLE: Handpiece for treatment of tissue

APPLICANT : STERN, Roger et al

FILING DATE: 02/06/2002

Art Unit: 3739

## U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE     | NAME               | CLASS | SUBCLASS | FILING DATE |
|---------------------|------------|----------|--------------------|-------|----------|-------------|
| RW                  | 6,706,032  | 3/16/04  | Weaver et al.      | 604   | 500      | 6/7/01      |
|                     | 6,659,999  | 12/9/03  | Anderson et al.    | 606   | 9        | 6/5/00      |
|                     | 6,605,080  | 8/12/03  | Altshuler et al.   | 606   | 3        | 3/26/99     |
|                     | 6,529,543  | 3/4/03   | Anderson et al.    | 372   | 108      | 11/21/00    |
|                     | 6,527,763  | 3/4/03   | Esch et al.        | 606   | 2        | 9/6/01      |
|                     | 6,511,475  | 1/28/03  | Altshuler et al.   | 606   | 9        | 8/9/00      |
|                     | 6,350,261  | 2/26/02  | Domankivitz et al. | 606   | 17       | 4/11/00     |
|                     | 6,275,962  | 8/14/01  | Fuller et al.      | 714   | 724      | 10/23/98    |
|                     | 6,273,884  | 8/14/01  | Altshuler et al.   | 606   | 9        | 5/13/98     |
|                     | 6,248,103  | 6/19/01  | Tannenbaum et al.  | 606   | 9        | 5/26/99     |
|                     | 6,171,301  | 1/9/01   | Nelson et al.      | 606   | 9        | 11/3/97     |
|                     | 6,139,653  | 10/31/00 | Fernandes et al.   | 148   | 439      | 8/12/99     |
|                     | 6,129,723  | 10/10/00 | Anderson et al.    | 606   | 13       | 11/28/95    |
|                     | 6,126,655  | 10/3/00  | Domankevitz et al. | 606   | 17       | 8/11/98     |
|                     | 6,120,497  | 9/19/00  | Anderson et al.    | 606   | 9        | 9/15/98     |
|                     | 6,081,749  | 6/27/00  | Ingle et al.       | 607   | 101      | 8/13/97     |
|                     | 6,066,130  | 5/23/00  | Gregory et al.     | 606   | 15       | 10/27/98    |

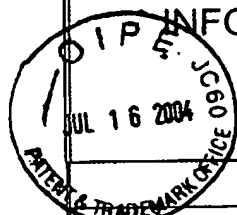
## FOREIGN PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLAS S | TRANSLATION              |                          |
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|                     |            |      |         |       |           | YES                      | NO                       |
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|          |  |
|----------|--|
| RW       | Anvari, et al., "Dynamic Epidermal Cooling in Conjunction with Laser Treatment of Port-Wine Stains: Theoretical and Preliminary Clinical Evaluations", <i>Lasers in Medical Science</i> 10: 105-112, (July 1995) |
|          | Nelson, et al., Abstract: "Dynamic epidermal cooling during pulsed laser treatment of port-wine stain. A new methodology with preliminary clinical evaluation", <i>Archives of Dermatology</i> , 131:695-700     |
| RW       | Anvari, et al., "Spatially selective photocoagulation of biological tissues; feasibility study utilizing cryogen spray cooling", <i>Applied Optics</i> , Vol 35, No. 19 (July 1996)                              |
| EXAMINER | DATE CONSIDERED 12/22/05   |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).



# INFORMATION DISCLOSURE CITATION

PTO-1449

ATTY. DOCKET NO.  
39238-0747

APPLICATION NO.  
10/072,610

TITLE: Handpiece for treatment of tissue

APPLICANT: STERN, Roger et al

FILING DATE: 02/06/2002

Art Unit: 3739

## U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE     | NAME              | CLASS | SUBCLASS | FILING DATE |
|---------------------|------------|----------|-------------------|-------|----------|-------------|
| <i>[Signature]</i>  | 6,014,579  | 1/11/00  | Pomeranz et al.   | 600   | 374      | 7/21/97     |
|                     | 5,995,283  | 11/30/99 | Anderson et al.   | 359   | 385      | 11/12/98    |
|                     | 5,979,454  | 11/9/99  | Anvari et al.     | 128   | 898      | 6/6/97      |
|                     | 5,925,078  | 7/20/99  | Anderson          | 623   | 66       | 11/4/96     |
|                     | 5,911,718  | 6/15/99  | Yarborough et al. | 606   | 9        | 5/8/98      |
|                     | 5,880,880  | 3/9/99   | Anderson et al.   | 359   | 385      | 7/15/96     |
|                     | 5,879,326  | 3/9/99   | Godshall et al.   | 604   | 51       | 4/25/97     |
|                     | 5,814,041  | 9/29/98  | Anderson et al.   | 606   | 15       | 7/7/95      |
|                     | 5,814,040  | 9/29/98  | Nelson et al.     | 606   | 9        | 5/15/95     |
|                     | 5,810,801  | 9/22/98  | Anderson et al.   | 606   | 9        | 9/22/98     |
|                     | 5,556,612  | 9/17/96  | Anderson et al.   | 424   | 59       | 3/15/94     |
|                     | 5,735,844  | 4/7/98   | Anderson et al.   | 606   | 9        | 1/30/96     |
|                     | 5,649,923  | 7/22/97  | Gregory et al.    | 606   | 15       | 4/8/94      |
|                     | 5,571,216  | 11/5/96  | Anderson          | 623   | 66       | 1/19/94     |
|                     | 5,595,568  | 1/21/97  | Anderson et al.   | 606   | 9        | 2/1/95      |
|                     | 5,558,667  | 9/24/96  | Yarborough et al. | 606   | 9        | 1/6/95      |

## FOREIGN PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLAS S | TRANSLATION              |                          |
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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| EXAMINER <i>[Signature]</i> | DATE CONSIDERED 12/22/05 |

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39238-0747

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TITLE: Handpiece for treatment of tissue

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FILING DATE: 02/06/2002

Art Unit: 3739

## U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO.   | DATE     | NAME             | CLASS | SUBCLASS | FILING DATE |
|---------------------|--------------|----------|------------------|-------|----------|-------------|
| JW                  | 5,527,308    | 6/18/96  | Anderson et al.  | 606   | 14       | 2/1/94      |
|                     | 5,456,260    | 10/10/95 | Kollias et al.   | 128   | 665      | 4/5/94      |
|                     | 5,304,171    | 4/19/94  | Gregory et al.   | 606   | 15       | 2/2/93      |
|                     | 5,300,097    | 4/5/94   | Lerner et al.    | 607   | 93       | 9/18/92     |
|                     | 5,100,402    | 3/31/92  | Fan              | 606   | 37       | 10/5/90     |
|                     | 2004/0093042 | 5/13/04  | Altshuler et al. | 607   | 88       | 6/17/03     |
|                     | 2004/0039379 | 2/26/04  | Viator et al.    | 606   | 9        | 2/7/03      |
|                     | 2004/0034319 | 2/19/04  | Anderson et al.  | 604   | 20       | 3/12/03     |
|                     | 2004/0034341 | 2/19/04  | Altshuler et al. | 606   | 3        | 8/12/03     |
|                     | 2003/0220749 | 11/27/03 | Chen et al.      | 702   | 31       | 4/9/03      |
|                     | 2003/0218756 | 11/27/03 | Chen et al.      | 356   | 497      | 1/16/03     |
|                     | 2003/0208326 | 11/6/03  | Chen et al.      | 702   | 49       | 3/12/03     |
|                     | 2003/0199859 | 10/23/03 | Altshuler et al. | 606   | 9        | 5/21/03     |
|                     | 2003/0055414 | 3/20/03  | Altshuler et al. | 606   | 9        | 10/21/02    |
|                     | 2003/0036751 | 2/20/03  | Anderson et al.  | 606   | 9        | 5/30/01     |

## FOREIGN PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLAS S | TRANSLATION              |                          |
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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| EXAMINER | DATE CONSIDERED 12/22/05 |

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# INFORMATION DISCLOSURE CITATION

PTO-1449

 ATTY. DOCKET NO.  
39238-0747

 APPLICATION NO.  
10/072,610

TITLE: Handpiece for treatment of tissue

APPLICANT : STERN, Roger et al

FILING DATE: 02/06/2002

Art Unit: 3739

## U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO.   | DATE     | NAME             | CLASS | SUBCLASS | FILING DATE |
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| [Signature]         | 2002/0161357 | 10/31/02 | Anderson et al.  | 606   | 9        | 12/27/01    |
|                     | 2002/0123745 | 9/5/02   | Svaasand, et al. | 606   | 9        | 1/23/01     |
|                     | 2002/0091377 | 7/11/02  | Anderson et al.  | 606   | 9        | 1/25/01     |
|                     | 2002/0065533 | 5/30/02  | Weaver et al.    | 606   | 191      | 6/7/01      |
|                     | 2002/0022827 | 2/21/02  | Esch et al.      | 606   | 7        | 9/6/01      |
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## FOREIGN PATENT DOCUMENTS



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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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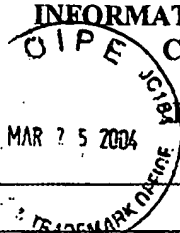
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| <b>INFORMATION DISCLOSURE CITATION</b><br><br>PTO-1449                              |             |          |                  | ATTY. DOCKET NO.<br>39238-0747           |           | APPLICATION NO.<br>10/072,610 |                          |
|---|-------------|----------|------------------|--|-----------|-------------------------------|--------------------------|
|   |             |          |                  | TITLE: Handpiece for treatment of tissue |           |                               |                          |
|   |             |          |                  | APPLICANT : STERN, Roger et al           |           |                               |                          |
|   |             |          |                  | FILING DATE: 02/06/2002                  |           | Art Unit: 3739                |                          |
| <b>U.S. PATENT DOCUMENTS</b>  |             |          |                  |  |           |                               |                          |
| EXAMINER'S INITIALS   | PATENT NO.  | DATE     | NAME             | CLASS                                    | SUBCLASS  | FILING DATE                   |                          |
|   | 5,500,012   | 3/1996   | Brucker et al.   | 607                                      | 122       |                               |                          |
|   | 5,556,377   | 9/1996   | Rosen et al.     | 604                                      | 22        |                               |                          |
|   | 5,643,334   | 7/1997   | Eckhouse et al.  | 607                                      | 88        |                               |                          |
|   | 5,655,547   | 8/1997   | Karni            | 128                                      | 898       |                               |                          |
|   | 5,776,092   | 7/1998   | Farin et al.     | 604                                      | 22        |                               |                          |
|   | 5,776,175   | 7/1998   | Eckhouse et al.  | 607                                      | 100       |                               |                          |
|   | 5,833,612   | 11/1998  | Eckhouse et al.  | 600                                      | 476       |                               |                          |
|   | 5,836,999   | 11/1998  | Eckhouse et al.  | 607                                      | 88        |                               |                          |
|   | 5,964,749   | 10/1999  | Eckhouse et al.  | 606                                      | 9         |                               |                          |
|   | 5,970,983   | 11/1999  | Karni et al.     | 128                                      | 898       |                               |                          |
|   | 6,162,212   | 12/2000  | Kreindel, et al  | 606                                      | 9         |                               |                          |
|   | 6,387,089   | 05/2002  | Kreindel, et al. | 606                                      | 9         |                               |                          |
| <b>FOREIGN PATENT DOCUMENTS</b>   |             |          |                  |  |           |                               |                          |
| EXAMINER'S INITIALS   | PATENT NO.  | DATE     | COUNTRY          | CLASS                                    | SUBCLAS S | TRANSLATION                   |                          |
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| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>       |             |          |                  |  |           |                               |                          |
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| EXAMINER  |             |          |                  | DATE CONSIDERED                          |           |                               |                          |

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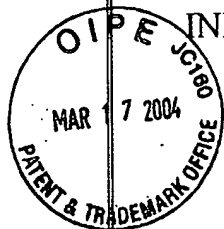
\*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).

| <b>INFORMATION DISCLOSURE CITATION</b><br><br><b>PTO-1449</b> |            | ATTY. DOCKET NO.<br>39238-0747 |                          | SERIAL NO.<br>10/072,610 |          |             |
|--|------------|--------------------------------|--------------------------|--------------------------|----------|-------------|
|  |            | APPLICANT Stern et al.         |                          |                          |          |             |
|  |            | FILING DATE 2/6/02             |                          | GROUP 3739               |          |             |
| <b>U.S. PATENT DOCUMENTS</b>   |            |                                |                          |                          |          |             |
| EXAMINER'S INITIALS  | PATENT NO. | DATE                           | NAME                     | CLASS                    | SUBCLASS | FILING DATE |
| <i>JS</i>  | 5,217,455  | 06/08/93                       | Tan                      | 606                      | 9        |             |
|  | 5,249,192  | 09/28/93                       | Kuizenga et al.          | 372                      | 23       |             |
|  | 5,290,273  | 03/01/94                       | Tan                      | 606                      | 3        |             |
|  | 5,360,447  | 11/01/94                       | Koop                     | 623                      | 15       |             |
|  | 5,522,813  | 06/04/96                       | Trelles                  | 606                      | 2        |             |
|  | 5,527,350  | 06/18/96                       | Grove et al.             | 607                      | 89       |             |
|  | 5,531,739  | 07/02/96                       | Trelles                  | 606                      | 2.5      |             |
|  | 5,558,667  | 09/24/96                       | Yarborough et al.        | 606                      | 9        |             |
|  | 5,578,029  | 11/26/96                       | Trelles et al.           | 606                      | 25       |             |
|  | 5,599,342  | 02/04/97                       | Hsia et al.              | 606                      | 9        |             |
|  | 5,746,735  | 05/05/98                       | Furumoto et al.          | 606                      | 9        |             |
|  | 5,743,901  | 04/28/98                       | Grove et al.             | 606                      | 9        |             |
|  | 5,749,868  | 05/12/98                       | Furumoto                 | 606                      | 9        |             |
|  | 5,754,573  | 05/19/98                       | Yarborough et al.        | 372                      | 22       |             |
|  | 5,810,801  | 09/22/98                       | Anderson et al.          | 606                      | 9        |             |
|  | 5,814,040  | 09/29/98                       | Nelson et al.            | 606                      | 9        |             |
|  | 5,843,072  | 12/01/98                       | Furumoto et al.          | 606                      | 9        |             |
|  | 5,843,078  | 12/01/98                       | Sharkey                  | 606                      | 41       |             |
|  | 5,871,479  | 02/16/99                       | Furumoto et al.          | 606                      | 9        |             |
|  | 5,911,718  | 06/15/99                       | Yarborough et al.        | 606                      | 9        |             |
|  | 5,979,454  | 11/9/99                        | Anvari et al.            | 128                      | 898      |             |
|  | 5,983,900  | 11/16/99                       | Clement et al.           | 128                      | 898      |             |
| EXAMINER <i>JS</i>   |            |                                | DATE CONSIDERED 12/22/05 |                          |          |             |

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| <b>INFORMATION DISCLOSURE CITATION</b><br>PTO-1449 |              |          | ATTY. DOCKET NO.<br>39238-0747 |       | SERIAL NO.<br>10/072,610 |             |    |
|--|--------------|----------|--------------------------------|-------|--------------------------|-------------|----|
| MAR 25 2004<br>PATENT & TRADEMARK OFFICE           |              |          | APPLICANT Stern et al.         |       |                          |             |    |
| FILING DATE 2/6/02                                 |              |          | GROUP 3739                     |       |                          |             |    |
| <b>U.S. PATENT DOCUMENTS</b>                       |              |          |                                |       |                          |             |    |
| EXAMINER'S INITIALS                                | PATENT NO.   | DATE     | NAME                           | CLASS | SUBCLASS                 | FILING DATE |    |
| BV   | 6,045,548    | 04/04/00 | Furumoto et al.                | 606   | 9                        |             |    |
|  | 6,077,294    | 06/20/00 | Cho et al.                     | 607   | 89                       |             |    |
|  | 6,171,301    | 01/09/01 | Nelson et al.                  | 606   | 9                        |             |    |
|  | 6,228,075    | 05/08/01 | Furumoto                       | 606   | 9                        |             |    |
|  | 6,240,925    | 06/05/01 | McMillan et al.                | 128   | 898                      |             |    |
|  | 6,248,103    | 06/19/01 | Tannenbaum et al.              | 606   | 9                        |             |    |
|  | 6,273,883    | 08/14/01 | Furumoto                       | 606   | 9                        |             |    |
|  | 6,383,176    | 05/07/02 | Connors et al.                 | 606   | 9                        |             |    |
|  | 6,387,089    | 05/14/02 | Kreindel et al.                | 606   | 9                        |             |    |
|  | 6,436,094    | 08/20/02 | Reuter                         | 606   | 9                        |             |    |
|  | 2002/0016587 | 02/07/02 | Furumoto                       | 606   | 7                        |             |    |
|  | 2002/0035360 | 03/21/02 | Connors et al.                 | 606   | 9                        |             |    |
|  | 2002/0049433 | 04/25/02 | Furumoto et al.                | 606   | 9                        |             |    |
|  | 2002/0111605 | 08/15/02 | Furumoto et al.                | 606   | 3                        |             |    |
|  |              |          |                                |       |                          |             |    |
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| <b>FOREIGN PATENT DOCUMENTS</b>                    |              |          |                                |       |                          |             |    |
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| BV   | WO 97/37602  | 10/16/97 | PCT                            | A61B  | 17/41                    |             |    |
|  | WO 98/33558  | 08/06/98 | PCT                            | A61N  | 5/06                     |             |    |
|  | WO 00/44297  | 08/03/00 | PCT                            | A61B  | 18/20                    |             |    |
|  | WO 00/54685  | 09/21/00 | PCT                            | A61B  | 18/20                    |             |    |
|  | WO 00/54686  | 09/21/00 | PCT                            | A61B  | 18/20                    |             |    |
|  | WO 02/076318 | 10/03/02 | PCT                            | A61B  | 18/18                    |             |    |
|  | WO 02/064209 | 08/22/02 | PCT                            | A61N  | 5/06                     |             |    |
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# INFORMATION DISCLOSURE CITATION

PTO-1449

 ATTY. DOCKET NO.  
39238-0747

 APPLICATION NO.  
10/072,610

 TITLE:  
Handpiece For Treatment of Tissue

 APPLICANT  
Stern et al.

 FILING DATE  
February 6, 2002

 GROUP  
3739

## U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE  | NAME        | CLASS | SUBCLASS | FILING DATE |
|---------------------|------------|-------|-------------|-------|----------|-------------|
| <i>W</i>            | RE 32,849  | 1/89  | Wei, et al. | 204   | 192.27   | 6/2/85      |
|                     | 3,831,604  | 8/74  | Neeffe      | 128   | 260      | 9/19/73     |
|                     | 4,074,718  | 11/78 | Morrison    | 128   | 303.14   | 3/17/76     |
|                     | 4,140,130  | 2/79  | Storm, III  | 128   | 404      | 5/31/77     |
|                     | 4,164,226  | 8/79  | Tapper      | 128   | 419 R    | 6/13/77     |
|                     | 4,290,435  | 8/81  | Waggott     | 128   | 800      | 9/7/79      |
|                     | 4,343,301  | 8/82  | Indech      | 128   | 24       | 10/4/79     |
|                     | 4,346,715  | 8/82  | Gammell     | 128   | 422      | 5/13/80     |

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| EXAMINER'S INITIALS | PATENT NO. | DATE  | COUNTRY | CLASS | SUBCLASS | Translation |    |
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| <i>W</i>            | 92/19414   | 11/92 | PCT     |       |          |             |    |
|                     | 0 519 415  | 12/92 | Europe  |       |          |             |    |
|                     | 31 21 683  | 12/82 | Germany |       |          |             | X  |
|                     | 1 949 534  | 4/70  | Germany |       |          |             | X  |
|                     | 2 609 245  | 7/88  | France  |       |          |             | X  |

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|----------|---|
| <i>W</i> | Allain, et al. "Isometric Tensions Developed During the Hydrothermal Swelling of Rat Skin", Connective Tissue Research, vol 7, pp. 697-701, (1990).   |
|          | Danielson, C. "Age-Related thermal stability and susceptibility to proteolysis of rat bone collagen", ...chem, Great Britain, pp. 697-701, (1990).  |
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|          | Mainster, M.A. "Ophthalmic applications of infrared lasers - thermal considerations", Visual Sci., pp. 414-420, April 1979.   |
|          | Pearce, et al. "Kinetic models of laser-tissue fusion processes", ISA, paper #93-044, pp. 355-360, (1993)..   |
| EXAMINER | DATE CONSIDERED 12/22/05  |

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# INFORMATION DISCLOSURE CITATION

PTO-1449

ATTY. DOCKET NO.  
39238-0747APPLICATION NO.  
10/072,610TITLE:  
Handpiece For Treatment of TissueAPPLICANT  
Stern et al.FILING DATE  
February 6, 2002GROUP  
3739

## U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE  | NAME              | CLASS | SUBCLASS | FILING DATE |
|---------------------|------------|-------|-------------------|-------|----------|-------------|
| <i>fw</i>           | 4,375,220  | 5/83  | Matvias           | 128   | 804      | 5/9/80      |
|                     | 4,381,007  | 4/83  | Doss              | 128   | 303.1    | 4/30/81     |
|                     | 4,441,486  | 4/84  | Pounds            | 128   | 24       | 10/27/81    |
|                     | 4,545,368  | 10/85 | Rand, et al.      | 128   | 1.3      | 4/13/83     |
|                     | 4,676,258  | 6/87  | Inokuchi, et al.  | 128   | 804      | 6/5/86      |
|                     | 4,709,701  | 12/87 | Weber             | 128   | 422      | 4/14/86     |
|                     | 4,881,543  | 11/89 | Trembly, et al.   | 128   | 303.1    | 6/28/88     |
|                     | 4,887,614  | 12/89 | Shirakami, et al. | 128   | 798      | 4/18/89     |
|                     | 4,889,122  | 12/89 | Watmough et al.   | 128   | 399      | 4/11/88     |
|                     | 4,944,302  | 7/90  | Hernandez et al.  | 128   | 798      | 4/18/89     |


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|---------------------|------------|------|---------|-------|----------|-------------|----|
|                     |            |      |         |       |          | Yes         | No |
|                     |            |      |         |       |          |             |    |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|                    |  |
|--------------------|--|
| <i>fw</i>          | Adrian, R. M. "Treatment of Facial Telangiectasia Using the VersaPulse7 Variable Pulse Width Frequency Doubled Neodymium:YAG Laser: A Case Report.   |
|                    | Chess, C.; Chess, Q. "Cool Laser Optics Treatment of Large Telangiectasia of the Lower Extremities." <i>J. Dermatol Surg Oncol.</i> 1993; 19:74-80.  |
|                    | Coulson, W. F. et al. "Nonablative Laser Treatment of Facial Rhytides: Animal Study." - Abstract for BIOS '98 Symposium Conference: bo05 - Cutaneous Applications of Lasers, 24-30 January 1998, San Jose, CA. |
|                    | Kincade, K. "Demand for Laser Resurfacing Soars: Quicker Healing, Less Risk of Scarring" <i>Dermatology Times.</i> 1995. 16(10)  |
|                    | Fitzpatrick, R. "Treatment of Wrinkles with the UltraPulse CO <sub>2</sub> Laser."   |
|                    | Laser Aesthetics, Inc. "The Cool Touch Laser." Brochure.   |
|                    | Laser Aesthetics, Inc. "Cool Touch Model 130 Technical Specifications." Brochure.  |
|                    | National Health Communications, Inc. "New Laser Eliminates 'Lipstick Bleed'" Press Release July 1993.  |
| EXAMINER <i>fw</i> | DATE CONSIDERED 12/20/05   |

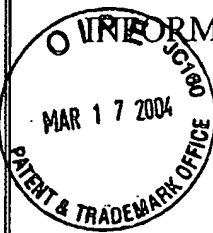
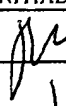
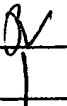

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|---|------------|-------|------------------|---|----------|-------------------------------|--|
|  <p>PTO-1449</p> |            |       |                  | ATTY. DOCKET NO.<br>39238-0747              |          | APPLICATION NO.<br>10/072,610 |  |
|   |            |       |                  | TITLE:<br>Handpiece For Treatment of Tissue |          |                               |  |
|   |            |       |                  | APPLICANT<br>Stern et al.                   |          |                               |  |
|   |            |       |                  | FILING DATE<br>February 6, 2002             |          | GROUP<br>3739                 |  |
| U.S. PATENT DOCUMENTS   |            |       |                  |   |          |                               |  |
| EXAMINER'S<br>INITIALS  | PATENT NO. | DATE  | NAME             | CLASS                                       | SUBCLASS | FILING<br>DATE                |  |
| <i>JS</i>   | 4,957,480  | 9/90  | Morenings        | 604   | 20       | 2/2/88                        |  |
|   | 4,962,761  | 10/90 | Golden           | 128   | 400      | 5/4/89                        |  |
|   | 5,003,991  | 4/91  | Takayama, et al. | 128   | 784      | 3/24/88                       |  |
|   | 5,133,351  | 7/92  | Masaki           | 128   | 419 R    | 3/14/90                       |  |
|   | 5,143,063  | 9/92  | Fellner          | 128   | 399      | 2/9/88                        |  |
|   | 5,186,181  | 2/93  | Franconi, et al. | 128   | 804      | 7/27/90                       |  |
|   | 5,190,517  | 3/93  | Zieve, et al.    | 604   | 22       | 6/6/91                        |  |
|   | 5,230,334  | 7/93  | Klopotek         | 128   | 399      | 1/22/92                       |  |
|   | 5,249,575  | 10/93 | DiMino, et al.   | 607   | 150      | 10/21/91                      |  |
|   | 5,282,797  | 2/94  | Chess            | 606   | 9        | 5/28/91                       |  |
|   | 5,304,169  | 4/94  | Sand             | 606   | 5        | 8/17/92                       |  |
|   | 5,315,994  | 5/94  | Guibert, et al.  | 607   | 101      | 3/5/93                        |  |
|   | 5,334,193  | 8/94  | Nardella         | 606   | 41       | 11/13/92                      |  |
|   | 5,342,357  | 8/94  | Nardella         | 606   | 40       | 11/13/92                      |  |
|   | 5,348,554  | 9/94  | Imran, et al.    | 606   | 41       | 12/1/92                       |  |
|   | 5,370,642  | 12/94 | Keller           | 606   | 9        | 8/2/93                        |  |
|   | 5,374,265  | 12/94 | Sand             | 606   | 5        | 8/6/92                        |  |
|   | 5,660,836  | 8/97  | Knowlton         | 424   | 400      | 5/5/95                        |  |
| FOREIGN PATENT DOCUMENTS  |            |       |                  |   |          |                               |  |
| EXAMINER'S<br>INITIALS  | PATENT NO. | DATE  | COUNTRY          | CLASS                                       | SUBCLASS | Translation<br>Yes No         |  |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)                            |            |       |                  |   |          |                               |  |
| EXAMINER <i>JS</i>  |            |       |                  | DATE CONSIDERED <i>12/22/05</i>             |          |                               |  |

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|             |              |                |                 | ATTY. DOCKET NO.<br>39238-0747              |          | APPLICATION NO.<br>10/072,610 |    |
|--|--------------|----------------|-----------------|---|----------|-------------------------------|----|
|  |              |                |                 | TITLE:<br>Handpiece For Treatment of Tissue |          |                               |    |
|  |              |                |                 | APPLICANT<br>Stern et al.                   |          |                               |    |
|  |              |                |                 | FILING DATE<br>February 6, 2002             |          | GROUP<br>3739                 |    |
| <b>U.S. PATENT DOCUMENTS</b>   |              |                |                 |   |          |                               |    |
| EXAMINER'S<br>INITIALS   | PATENT NO.   | DATE           | NAME            | CLASS                                       | SUBCLASS | FILING<br>DATE                |    |
|             | 5,423,807    | 6/95           | Milder          | 606   | 20       | 1/24/94                       |    |
|  | 5,423,811    | 6/95           | Imran, et al.   | 606   | 41       | 3/16/94                       |    |
|  | 5,437,662    | 8/95           | Nardella        | 606   | 40       | 2/17/94                       |    |
|  | 5,458,596    | 10/95          | Lax, et al.     | 606   | 31       | 5/6/94                        |    |
|  | 5,462,521    | 10/95          | Brucker, et al. | 604   | 20       | 12/21/93                      |    |
|  | 5,464,436    | 11/95          | Smith           | 607   | 89       | 4/28/94                       |    |
|  | 5,496,312    | 3/96           | Klicek          |   |          |                               |    |
|  | 5,507,790    | 4/96           | Weiss           |   |          |                               |    |
|  | 5,569,242    | 10/96          | Lax, et al.     | 606   | 42       | 2/16/95                       |    |
|  | 4,756,310    | 7/12/88        | Bitterly        | 128   | 400      |                               |    |
|  | 4,633,875    | 7/1987         | Turner          |   |          |                               |    |
|  | 6,139,569    | 10/2000        | Ingle et al.    | 607   | 104      |                               |    |
|  | 5,231,997    | 8/1993         | Kikuchi et al.  |   |          |                               |    |
|  | 4,140,130    | 2/1979         | Storm, III      |   |          |                               |    |
|  | 5,769,879    | 6/1998         | Richards et al. | 607   | 101      |                               |    |
| 4,556,070  | 12/1985      | Vaguine et al. |                 |   |          |                               |    |
| 5,775,338  | 7/1998       | Hastings       | 128             | 898   |          |                               |    |
| <b>FOREIGN PATENT DOCUMENTS</b>  |              |                |                 |   |          |                               |    |
| EXAMINER'S<br>INITIALS   | PATENT NO.   | DATE           | COUNTRY         | CLASS                                       | SUBCLASS | Translation                   |    |
|  |              |                |                 |   |          | Yes                           | No |
|           | 0 395 307 A2 | 10/31/90       | Europe          | A61B  | 17/36    |                               |    |
|  | 98 05286     | 2/1998         | PCT             | A61H  | 7/00     |                               |    |
| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>                |              |                |                 |   |          |                               |    |
| EXAMINER  |              |                |                 | DATE CONSIDERED 12/20/05                    |          |                               |    |

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# INFORMATION DISCLOSURE CITATION

PTO-1449

 ATTY. DOCKET NO.  
39238-0747

 APPLICATION NO.  
10/072.610

 TITLE:  
Handpiece For Treatment of Tissue

 APPLICANT  
Stern et al.

 FILING DATE  
February 6, 2002

 GROUP  
3739

## U.S. PATENT DOCUMENTS

| EXAMINER'S<br>INITIALS | PATENT NO. | DATE  | NAME            | CLASS | SUBCLASS | FILING<br>DATE |
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| <i>PR</i>              | 5,366,443  | 11/94 | Eggers, et al.  |       |          |                |
|                        | 5,697,909  | 12/97 | Eggers, et. al. |       |          |                |
|                        | 5,697,882  | 12/97 | Eggers, et al.  |       |          |                |
|                        | 5,697,536  | 12/97 | Eggers, et al.  |       |          |                |
|                        | 5,697,281  | 12/97 | Eggers, et al.  |       |          |                |
|                        | 5,693,045  | 12/97 | Eggers          |       |          |                |
|                        | 5,692,058  | 11/97 | Eggers, et al.  |       |          |                |
|                        | 5,683,366  | 11/97 | Eggers, et al.  |       |          |                |
|                        | 5,681,282  | 10/97 | Eggers, et al.  |       |          |                |

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|------------------------|------------|-------|-------------|-------|----------|-------------|----|
|                        |            |       |             |       |          | Yes         | No |
| <i>PR</i>              | 266678     | 12/97 | New Zealand |       |          |             |    |
|                        | 98/03220   | 1/98  | PCT         |       |          |             |    |
|                        | 68/03117   | 1/98  | PCT         |       |          |             |    |
|                        | 97/18768   | 5/97  | PCT         |       |          |             |    |
|                        | 97/18765   | 5/97  | PCT         |       |          |             |    |
|                        | 96/39914   | 12/96 | PCT         |       |          |             |    |
|                        | 96/32051   | 10/96 | PCT         |       |          |             |    |
|                        | 96/27327   | 9/96  | PCT         |       |          |             |    |
|                        | 96/27240   | 9/96  | PCT         |       |          |             |    |
|                        | 94/26228   | 11/94 | PCT         |       |          |             |    |
|                        | 93/13816   | 7/93  | PCT         |       |          |             |    |

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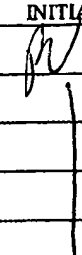
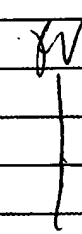
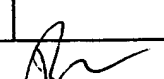
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Attorney Docket No.: 39238-0747

| <b>INFORMATION DISCLOSURE CITATION</b><br><b>PTO-1449</b>                           |   | <b>ATTY. DOCKET NO.</b><br>39238-0747 |                | <b>SERIAL NO.</b><br>10/072,610 |          |             |    |
|---|---|---------------------------------------|----------------|---------------------------------|----------|-------------|----|
|   |   | <b>APPLICANT</b> Stern et al.         |                |                                 |          |             |    |
|   |   | <b>FILING DATE</b> 02/06/2002         |                | <b>GROUP</b> 3759               |          |             |    |
| <b>U.S. PATENT DOCUMENTS</b>  |   |                                       |                |                                 |          |             |    |
| EXAMINER'S INITIALS   | PATENT NO.  | DATE                                  | NAME           | CLASS                           | SUBCLASS | FILING DATE |    |
|    | 4,754,754   | 07/05/1988                            | Garito, et al. | 128                             | 303.14   | 10/28/1986  |    |
|   | 5,609,573   | 03/11/1997                            | Sandock        | 604                             | 22       | 02/28/1996  |    |
|   | 5,630,426   | 05/20/1997                            | Eggers, et al. | 128                             | 734      | 03/03/1995  |    |
|   | 5,948,011   | 09/07/1999                            | Knowlton       | 607                             | 101      | 10/28/1997  |    |
|   | 2001/0049524  | 12/06/2001                            | Morgan et al.  | 606                             | 50       | 03/05/2001  |    |
|   |   |                                       |                |                                 |          |             |    |
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| <b>FOREIGN PATENT DOCUMENTS</b>   |   |                                       |                |                                 |          |             |    |
| EXAMINER'S INITIALS   | PATENT NO.  | DATE                                  | COUNTRY        | CLASS                           | SUBCLASS | TRANSLATION |    |
|   |   |                                       |                |                                 |          | YES         | NO |
|  | DE 201 07 271   | 07/19/2001                            | Germany        | A 61 M                          | 1/00     |             |    |
|   | EP 1 158 919  | 12/05/2001                            | EPO            | A61B                            | 18/14    |             |    |
|   | WO 00/053113  | 09/14/2000                            | PCT            | A61B                            | 18/14    |             |    |
|   | WO 01/00269   | 01/04/2001                            | PCT            | A61M                            | 35/00    |             |    |
|   |   |                                       |                |                                 |          |             |    |
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|---|-------------|----------|--------------------------------|-------|--------------------------|--------------------------|--------------------------|
|   |             |          | APPLICANT Stern                |       |                          |                          |                          |
|   |             |          | FILING DATE 2/6/02             |       | GROUP Unknown            |                          |                          |
| <b>U.S. PATENT DOCUMENTS</b>  |             |          |                                |       |                          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.  | DATE     | NAME                           | CLASS | SUBCLASS                 | FILING DATE              |                          |
|   | 4,976,709   | 12/11/90 | Sand                           | 606   | 5                        |                          |                          |
|   | 5,755,753   | 5/26/98  | Knowlton                       | 607   | 98                       |                          |                          |
|   | 6,169,926   | 1/2/01   | Baker                          | 607   | 99                       |                          |                          |
|   | 6,228,078   | 5/8/01   | Eggers et al.                  | 606   | 32                       |                          |                          |
|   | 6,277,116   | 8/21/01  | Utely et al.                   | 606   | 42                       |                          |                          |
| <b>FOREIGN PATENT DOCUMENTS</b>   |             |          |                                |       |                          |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.  | DATE     | COUNTRY                        | CLASS | SUBCLASS                 | TRANSLATION              |                          |
|   |             |          |                                |       |                          | YES                      | NO                       |
|   | WO 96/34568 | 11/7/96  | PCT                            | A61B  | 17/36                    | <input type="checkbox"/> | <input type="checkbox"/> |
|   | WO 99/08614 | 2/25/99  | PCT                            | A61B  | 17/39                    | <input type="checkbox"/> | <input type="checkbox"/> |
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